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In Re Application of Virgil M. Davis et al.

Appeal No.: 2010-009544
Serial No.: 09/359,083
Docket No.: 20270-016US (formerly VISAP016)
Filed: July 22, 1999
Conf. No.: 2317
Art Unit: 3684
Examiner: Liversedge, Jennifer L.

For: Internet Payment, Authentication and Loading
System Using Virtual SMART Card

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO RESCHEDULE ORAL HEARING

Sir:

This is a request to reschedule the Oral Hearing, in the above identified Appeal, currently scheduled for September 14, 2010 at 1:00 P.M.

A Confirmation of Attendance was filed on August 19, 2010 (copy attached) by the Beyer Law Group, LLP who, until recently, had been responsible for prosecution of this case. Since that filing, responsibility for prosecuting this case has been transferred to the law firm of Chadbourne & Parke, L.L.P., customer number 54205. Individual responsibility for this case has been assigned to the undersigned.

It is respectfully submitted that this recent file transfer and imminent scheduled hearing date has provided insufficient time for the undersigned to appropriately prepare for the hearing, including fully considering the issues on appeal, the file history and other relevant issues associated with the case. While Applicants had intended and hoped to continue with the hearing as originally scheduled, it has simply proven, from a practical

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standpoint, insufficient time to adequately prepare for and appear at the scheduled Oral Hearing. As such, going forward with the hearing as scheduled is not a viable course as it appears it will neither afford Applicants the opportunity to best address the issues on appeal, nor an opportunity to determine the best course of future prosecution in light of the Appeal. Therefore, it is respectfully requested that the date for said Oral Hearing be rescheduled to a later date at which the hearing may be properly prepared for and conducted by new counsel.

If possible, it is further respectfully requested that the date for the Oral Hearing be set for the week of November 15, 2010 or, if not possible, anytime after December 1, 2010.

The rescheduling of the Oral Hearing as set forth above is greatly appreciated.

While no fees are believed due in conjunction with this paper, should any fees be required, Applicants hereby authorize and request that any such fees that may be required for this paper be charged to Deposit Account No. 03-1240, Order No. 20270-016US.

Respectfully submitted,
Attorney(s) for Applicants,

Dated: September 10, 2010

By:

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- cancel hearing
- they will be back in U.S. by
next week